

In the Indiana Supreme Court

CAUSE NUMBER: 94S00- -MS-

ORDER AMENDING RULES OF APPELLATE PROCEDURE

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Rules 14, 15, 22, 23, 43, 57, and 63 of the *Indiana Rules of Appellate Procedure* are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

INDIANA RULES OF APPELLATE PROCEDURE

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Rule 14. Interlocutory Appeals

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C. Interlocutory Appeals From Orders Granting Or Denying Class Action Certification. The Court of Appeals, in its discretion, may accept jurisdiction over an appeal from an interlocutory order granting or denying class action certification under Ind. Trial Rule 23.

(1) Time for Filing Motion. A motion requesting that the Court of Appeals accept jurisdiction over an interlocutory appeal from an order granting or denying class action certification shall be filed within thirty (30) days of the entry of the order.

(2) Content of Motion. The motion requesting that the Court of Appeals accept jurisdiction shall state:

(a) The date of the order granting or denying class action certification.

(b) The facts necessary for consideration of the motion.

(c) The reasons the Court of Appeals should accept the interlocutory appeal.

(3) Attachments to Motion. A copy of the trial court's order granting or denying class action certification shall be attached to the motion requesting that the Court of Appeals accept jurisdiction over the interlocutory appeal.

(4) Response to Motion. Any response to the motion requesting the Court of Appeals to accept jurisdiction shall be filed within **fifteen (15)** days after service of the motion.

(5) Filing of Notice of Appeal. If the Court of Appeals accepts jurisdiction, the appellant shall file a Notice of Appeal with the trial court clerk within fifteen (15) days of the Court of Appeals' order accepting jurisdiction over the interlocutory appeal. The appellant shall also comply with Rule 9(E).

CD. Statutory Interlocutory Appeals. . . .

DE. Clerk's Record and Transcript. . . .

EF. Briefing. . . .

FG. Shortening or Extending Time. . . .

GH. Stay of Trial Court Proceedings. . . .

Rule 15. Appellant's Case Summary

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B. Date Due. The Appellant's Case Summary shall be filed within thirty (30) days of the filing of the Notice of Appeal or, in the case of a Discretionary Interlocutory Appeal under Rule 14(B)(2) or a Class Action Certification Interlocutory Appeal under Rule 14(C), the Appellant's Case Summary shall be filed at the time the motion requesting permission to file the interlocutory appeal is filed in the Court of Appeals.

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Rule 22. Citation Form

Unless otherwise provided, a current edition of a Uniform System of Citation (Bluebook) shall be followed.

A. Citation to Cases. All Indiana cases shall be cited by giving the title of the case followed by the volume and page of the regional and official reporter (where both exist), the court of disposition, and the year of the opinion, e.g., *Callender v. State*, 193 Ind. 91, 138 N.E. 817 (1922); *Moran v. State*, 644 N.E.2d 536 (Ind. 1994). If the case is not contained in the regional reporter, citation may be made to the official reporter. Where both a regional and official citation exist and pinpoint citations are appropriate, pinpoint citations to one of the reporters shall be provided. Designation of disposition of petitions for transfer shall be included, e.g., *State ex rel. Mass Transp. Auth. of Greater Indianapolis v. Indiana Revenue Bd.*, 144 Ind. App. 63, 242 N.E.2d 642 (1968), *trans. denied by an evenly divided court* 251 Ind. 607, 244 N.E.2d 111 (1969); *Smith v. State*, 717 N.E.2d 127 (Ind. Ct. App. 1999), *trans. denied*.

B. Citations to Indiana Statutes, Regulations, and Court Rules and County Local Court Rules.

1. Citations to Indiana statutes, administrative materials, and court rules shall comply with the following citation format for initial references and subsequent references:

<u>INITIAL</u>	<u>SUBSEQUENT</u>
Ind. Code §34-1-1-1 (20 xx)	I.C. §34-1-1-1
34 Ind. Admin. Code 12-5-1 (2004)	34 I.A.C. 12-5-1
29 Ind. Reg. 11 (Oct. 1, 2005)	29 I.R. 11
Ind. Trial Rule 56	T.R. 56
Ind. Crim. Rule 4(B)(1)	Crim. R. 4(B)(1)
Ind. Post-Conviction Rule 2(2)(b)	P-C.R. 2(2)(b)
Ind. Appellate Rule 8	App. R. 8
Ind. Original Action Rule 3(A)	Orig. Act. R. 3(A)
Ind. Child Support Rule 2	Child Supp. R. 2
Ind. Child Support Guideline 3(D)	Child Supp. G. 3(D)
Ind. Small Claims Rule 8(A)	S.C.R. 8(A)

Ind. Tax Court Rule 9	Tax Ct. R. 9
Ind. Administrative Rule 7(A)	Admin. R. 7(A)
Ind. Judicial Conduct Canon 2(A)	Jud. Canon 2(A)
Ind. Professional Conduct Rule 6.1	Prof. Cond. R. 6.1
Ind. Alternative Dispute Resolution Rule 2	A.D.R. 2
Ind. Admission and Discipline Rule 23(2)(a)	Admis. Disc. R. (2)(a)
Ind. Evidence Rule 301	Evid. R. 301
Ind. Jury Rule 12	J.R. 12

Effective July 1, 2006, the Indiana Administrative Code and the Indiana Register are published electronically by the Indiana Legislative Services Agency. For materials published in the Indiana Administrative Code and Indiana Register prior to that date, use the citation forms set forth above. For materials published after that date, reference to the appropriate URL is necessary for a reader to locate the official versions of these materials. The following citation format for initial references and subsequent references shall be used for materials published in the Indiana Administrative Code and Indiana Register on and after July 1, 2006:

Initial: 34 Ind. Admin. Code 12-5-1 (2006)

(see <http://www.in.gov/legislative/iac/>)

Subsequent: 34 I.A.C. 12-5-1

Initial: Ind. Reg. LSA Doc. No. 05-0065 (July 26, 2006)

(see <http://www.in.gov/legislative/register/irtoc.htm>)

Subsequent: I.R. 05-0065

2. [Citations to County Local Court Rules adopted pursuant to Ind. Trial Rule 81 shall be cited by giving the county followed by the citation to the local rule, e.g. Adams LR01-TR3.1-1.](#)

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Rule 23. Filing

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(E) Signature required. Every motion, petition, brief, appendix, acknowledgment, notice, response, reply, appearance, or appellant's case summary must be signed by at least one [1] attorney of record in the attorney's individual name, whose **name**, address, telephone number, and attorney number shall **also be typed or printed legibly below the signature**. If a party or amicus is not represented by an attorney, then the party or amicus shall sign such documents and **type or print legibly** the party or amicus's **name, address, and telephone number**. The signing of the verification of accuracy required by Rule 50(A)(2)(i) or 50(B)(1)(f) satisfies this requirement for appendices.

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Rule 43. Form of Briefs and Petitions

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D. Print Size. The font shall be Arial, Baskerville, Book Antiqua, Bookman, Bookman Old Style, Century, Century Schoolbook, Courier, Courier New, CG Times, Garamond, Georgia, New Baskerville, New Century Schoolbook, Palatino or Times New Roman and the typeface shall be 12-point or larger in both body text and footnotes.

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K. Copy of Document in ~~Electronic~~ Digital Format. All documents ~~may~~ must be accompanied by a digital copy of the document in Word or text-searchable PDF format ~~electronic format~~. ~~Any electronic format used by the word processing system to generate the document is permissible.~~ The document may be received by the Clerk's Office on a floppy disk or CD with the filing of the hard copies of the document, or it may be transmitted to the Clerk's Office by e-mail to clerk@courts.state.in.us on the same day the hard copies are filed. Unrepresented parties are excused from compliance with the requirements of this section of Rule 43 only.

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Rule 57. Petitions To Transfer And Briefs

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B. Decisions From Which Transfer May be Sought. Transfer may be sought from adverse decisions issued by the Court of Appeals in the following form:

- (1) a published opinion;
- (2) a not-for-publication memorandum decision;
- (3) any amendment or modification of a published opinion or a not-for-publication memorandum decision; and
- (4) an order dismissing an appeal.

Any other order by the Court of Appeals, including an order denying a motion for interlocutory appeal under Rule 14(B) or 14(C) and an order declining to authorize the filing of a successive petition for post conviction relief, shall not be considered an adverse decision for the purpose of petitioning to transfer, regardless of whether rehearing by the Court of Appeals was sought.

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These amendments shall take effect January 1, 2008.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and the West Group.

The West Group is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this _____ day of September, 2007.

Randall T. Shepard
Chief Justice of Indiana

All Justices concur.